

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRIAN R. LOCKE,

Plaintiff,

v.

MATTHEW FRANK,
GREGORY GRAMS and
JOHN DOE 1-35,

Defendants.

MEMORANDUM

3:07-cv-00480-jcs

On February 11, 2008, I denied plaintiff Brian Locke leave to proceed in forma pauperis on appeal from the judgment entered in this case on January 31, 2008, after concluding that he has struck out under 28 U.S.C. § 1915(g). Now plaintiff has filed a motion for reconsideration of that order.

If a plaintiff is unsatisfied with a district court's decision to deny him pauper status on appeal, his recourse is to file a motion for leave to proceed in forma pauperis directly with the court of appeals, following the procedure set out in Fed. R. App. P. 24(a)(5) which provides,

A party may file a motion to proceed on appeal in forma pauperis in the court

of appeals within 30 days after service of [the district court's order denying in forma pauperis status]. The motion must include a copy of the affidavit filed in the district court [under Fed. R. App. P. 24(a)(1)] and the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

Because it appears that plaintiff's motion for reconsideration may be construed as a motion pursuant to Fed. R. App. P. 24(a)(5), I have requested the clerk to forward it to the court of appeals for whatever action it deems appropriate.

Entered this 19th day of February, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge